IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 60 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GUJARAT STATE ROAD TRANSPORT CORPORATION LTD. & 1 - Petitioner(s)

Versus

JAMNADAS KALIDAS - Respondent(s)

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Appearance :

MS SEJAL K MANDAVIA for Petitioner(s) : 1 - 2.
RULE SERVED for Respondent(s) : 1,
RULE SERVED BY DS for Respondent(s) : 1,
MR PRABHAKAR UPADYAY for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 16/11/2005

ORAL JUDGMENT

1. The petitioner herein has challenged the order dated 02.04.2004 passed by the Labour Court, Bhavnagar in

Reference (LCB) No. 256/1996 whereby the Labour Court has directed the petitioner to reinstate the respondent.

2. The short facts of the case are that the respondent was working with the Gujarat State Road Transport Corporation as a conductor. It was found that on duty the respondent once had not issued tickets even though collected fare from four passengers and in another incident he did not issue tickets. He was, therefore, charge-sheeted and was finally dismissed after giving due opportunity of hearing and examination. The respondent, therefore, raised a dispute which was referred to Labour Court, Bhavnagar and the same was registered as Reference (LCB) No.256/96. The Labour Court after hearing the parties passed the aforesaid award which is challenged in this petition.

3. Learned counsel for the petitioner submitted that the impugned judgement and award is improper and contrary to the provisions of the Industrial Disputes Act. She further submitted that full opportunity of defending the case of the respondent was given to him and therefore, there was no ground for the Labour Court to interfere with the order of punishment.

4. As a result of the hearing and perusal of the record, I find that the Labour Court has considered all the aspects of the matter including the default card. I am in complete agreement with the reasonings adopted and findings arrived by the Labour Court. No case is made out to cause interference in this petition. This petition is, therefore, rejected. Rule is discharged with no order as to costs.

(K.S. JHAVERI, J.)

Divya//